

Introduced by Senator Soto

March 16, 2000

An act to amend Section 666.7 of, and to add Section 667.84 to, the Penal Code, relating to enhancements.

LEGISLATIVE COUNSEL'S DIGEST

SB 2183, as introduced, Soto. Enhancements: violent felony in the presence of a minor.

Existing law provides sentence enhancements for specified serious offenses, including felony offenses committed against a child under the age of 18 years.

This bill would create a sentence enhancement imposing an additional term of one, 2, or 3 years for a violent felony, as defined, that is committed in the immediate presence of, or is witnessed by, any child under the age of 16 years and would make related changes. By creating a new enhancement, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 666.7 of the Penal Code is
2 amended to read:

3 666.7. It is the intent of the Legislature that this
4 section serve merely as a nonsubstantive comparative
5 reference of current sentence enhancement provisions.
6 Nothing in this section shall have any substantive effect
7 on the application of any sentence enhancement
8 contained in any provision of law, including, but not
9 limited to, all of the following: omission of any sentence
10 enhancement provision, inclusion of any obsolete
11 sentence enhancement provision, or inaccurate
12 reference or summary of a sentence enhancement
13 provision.

14 It is the intent of the Legislature to amend this section
15 as necessary to accurately reflect current sentence
16 enhancement provisions, including the addition of new
17 provisions and the deletion of obsolete provisions.

18 For the purposes of this section, the term “sentence
19 enhancement” means an additional term of
20 imprisonment in the state prison added to the base term
21 for the underlying offense. A sentence enhancement is
22 imposed because of the nature of the offense at the time
23 the offense was committed or because the defendant
24 suffered a qualifying prior conviction before committing
25 the current offense.

26 (a) The provisions listed in this subdivision imposing
27 a sentence enhancement of one year imprisonment in the
28 state prison may be referenced as Schedule A.

29 (1) Money laundering when the value of transactions
30 exceeds fifty thousand dollars (\$50,000), but is less than
31 one hundred fifty thousand dollars (\$150,000) (subpara.
32 (A), para. (1), subd. (c), Sec. 186.10, Pen. C.).

33 (2) Commission of two or more related felonies, a
34 material element of which is fraud or embezzlement,
35 which involve a pattern of related felony conduct,
36 involving the taking of more than one hundred thousand
37 dollars (\$100,000) (para. (3), subd. (a), Sec. 186.11, Pen.
38 C.).

1 (3) Felony conviction of willful harm or injury to a
2 child, involving female genital mutilation (Sec. 273.4,
3 Pen. C.).

4 (4) Prior conviction of felony hate crime with a
5 current conviction of felony hate crime (subd. (e), Sec.
6 422.75, Pen. C.).

7 (5) Harming, obstructing, or interfering with any
8 horse or dog being used by any peace officer in the
9 discharge or attempted discharge of his or her duties and,
10 with the intent to so harm, obstruct, or interfere,
11 personally causing the death, destruction, or serious
12 physical injury of any horse or dog (subd. (c), Sec. 600,
13 Pen. C.).

14 (6) Prior prison term with current felony conviction
15 (subd. (b), Sec. 667.5, Pen. C.).

16 (7) Commission of any specified offense against a
17 person who is 65 years of age or older, blind, a paraplegic
18 or quadriplegic, or under 14 years of age (subd. (a), Sec.
19 667.9, Pen. C.).

20 (8) Showing child pornography to a minor prior to or
21 during the commission or attempted commission of any
22 lewd or lascivious act with the minor (subd. (a), Sec.
23 667.15, Pen. C.).

24 (9) Felony conviction of forgery, grand theft, or false
25 pretenses as part of plan or scheme to defraud an owner
26 in connection with repairs to a structure damaged by a
27 natural disaster (Sec. 667.16, Pen. C.).

28 (10) Impersonating a peace officer during the
29 commission of a felony (Sec. 667.17, Pen. C.).

30 (11) Felony conviction of any specified offense,
31 including, but not limited to, forgery, grand theft, and
32 false pretenses, as part of plan or scheme to defraud an
33 owner in connection with repairs to a structure damaged
34 by natural disaster with prior felony conviction of any of
35 those offenses (Sec. 670, Pen. C.).

36 (12) Commission or attempted commission of a felony
37 while armed with a firearm (para. (1), subd. (a), Sec.
38 12022, Pen. C.).



1 (13) Personally using a deadly or dangerous weapon in
2 the commission or attempted commission of a felony
3 (para. (1), subd. (b), Sec. 12022, Pen. C.).

4 (14) Taking, damaging, or destroying any property in
5 the commission or attempted commission of a felony with
6 the intent to cause that taking, damage, or destruction
7 when the loss exceeds fifty thousand dollars (\$50,000)
8 (para. (1), subd. (a), Sec. 12022.6, Pen. C.).

9 (15) Transferring, lending, selling, or giving any
10 assault weapon to a minor (para. (2), subd. (a), Sec. 12280,
11 Pen. C.).

12 (16) Manufacturing, causing to be manufactured,
13 distributing, transporting, importing, keeping for sale,
14 offering or exposing for sale, giving, or lending any assault
15 weapon while committing another crime (subd. (c), Sec.
16 12280, Pen. C.).

17 (17) Inducing, employing, or using a minor to commit
18 a drug offense involving heroin, cocaine, or cocaine base,
19 or unlawfully furnishing one of these controlled
20 substances to a minor, upon the grounds of, or within, a
21 church, playground, youth center, child day care facility,
22 or public swimming pool during business hours or
23 whenever minors are using the facility (para. (1), subd.
24 (a), Sec. 11353.1, H.& S.C.).

25 (18) Inducing another person to commit a drug
26 offense as part of the drug transaction for which the
27 defendant is convicted when the value of the controlled
28 substance involved exceeds five hundred thousand
29 dollars (\$500,000) (para. (1), subd. (a), Sec. 11356.5, H.&
30 S.C.).

31 (19) Manufacturing, compounding, converting,
32 producing, deriving, processing, or preparing
33 methamphetamine or phencyclidine (PCP), or
34 attempting to commit any of those acts, or possessing
35 specified combinations of substances with the intent to
36 manufacture either methamphetamine or phencyclidine
37 (PCP), when the commission or attempted commission
38 of the offense causes the death or great bodily injury of
39 another person other than an accomplice (Sec. 11379.9,
40 H.& S.C.).



1 (20) Using a minor to commit a drug offense involving
2 phencyclidine (PCP), methamphetamine, or lysergic
3 acid diethylamide (LSD), or unlawfully furnishing one of
4 these controlled substances to a minor, when the
5 commission of the offense occurs upon the grounds of, or
6 within, a church, playground, youth center, child day care
7 facility, or public swimming pool during business hours or
8 whenever minors are using the facility (para. (1), subd.
9 (a), Sec. 11380.1, H.& S.C.).

10 (21) Possessing for sale, or selling, heroin, cocaine,
11 cocaine base, methamphetamine, or phencyclidine
12 (PCP), when the commission of the offense occurs upon
13 the grounds of a public park, public library, or oceanfront
14 beach (para. (1), subd. (a), Sec. 11380.5, H.& S.C.).

15 (22) Causing bodily injury or death to more than one
16 victim in any one instance of driving under the influence
17 of any alcoholic beverage or drug (Sec. 23558, Veh. C.).

18 (23) Fraudulently appropriating food stamps,
19 electronically transferred benefits, or authorizations to
20 participate in the federal Food Stamp Program entrusted
21 to a public employee, or knowingly using, transferring,
22 selling, purchasing, or possessing, any of the same in an
23 unauthorized manner, when the offense is committed by
24 means of an electronic transfer of benefits in an amount
25 exceeding fifty thousand dollars (\$50,000), but less than
26 one hundred fifty thousand dollars (\$150,000) (subpara.
27 (A), para. (1), subd. (h), Sec. 10980, W.& I.C.).

28 (b) The provisions listed in this subdivision imposing
29 a sentence enhancement of one, two, or three years'
30 imprisonment in the state prison may be referenced as
31 Schedule B.

32 (1) Commission of a felony for the benefit of, at the
33 direction of, or in association with any criminal street
34 gang, with the specific intent to promote, further, or assist
35 in any criminal conduct by gang members (para. (1),
36 subd. (b), Sec. 186.22, Pen. C.).

37 (2) Commission or attempted commission of a felony
38 hate crime (subd. (a), Sec. 422.75, Pen. C.).

39 (3) Commission or attempted commission of a felony
40 against the property of a public or private institution

1 because the property is associated with a person or group
2 of identifiable race, color, religion, nationality, country of
3 origin, ancestry, gender, disability, or sexual orientation
4 (subd. (b), Sec. 422.75, Pen. C.).

5 (4) Felony conviction of unlawfully causing a fire of
6 any structure, forest land, or property when the
7 defendant has been previously convicted of arson or
8 unlawfully causing a fire, or when a firefighter, peace
9 officer, or emergency personnel suffered great bodily
10 injury, or when the defendant proximately caused great
11 bodily injury to more than one victim, or caused multiple
12 structures to burn (Sec. 452.1, Pen. C.).

13 (5) Carrying a loaded or unloaded firearm during the
14 commission or attempted commission of any felony street
15 gang crime (subd. (a), Sec. 12021.5, Pen. C.).

16 (6) Personally using a deadly or dangerous weapon in
17 the commission of carjacking or attempted carjacking
18 (para. (2), subd. (b), Sec. 12022, Pen. C.).

19 (7) Being a principal in the commission or attempted
20 commission of any specified drug offense, knowing that
21 another principal is personally armed with a firearm
22 (subd. (d), Sec. 12022, Pen. C.).

23 (8) Furnishing or offering to furnish a firearm to
24 another for the purpose of aiding, abetting, or enabling
25 that person or any other person to commit a felony (Sec.
26 12022.4, Pen. C.).

27 (9) Selling, supplying, delivering, or giving possession
28 or control of a firearm to any person within a prohibited
29 class or to a minor when the firearm is used in the
30 subsequent commission of a felony (para. (4), subd. (g),
31 Sec. 12072, Pen. C.).

32 (10) Inducing, employing, or using a minor who is at
33 least four years younger than the defendant to commit a
34 drug offense involving any specified controlled
35 substance, including, but not limited to, heroin, cocaine,
36 and cocaine base, or unlawfully providing one of these
37 controlled substances to a minor (para. (3), subd. (a), Sec.
38 11353.1, H.& S.C.).

39 (11) Prior conviction of inducing, employing, or using
40 a minor to commit a drug offense involving cocaine base,

1 or unlawfully providing cocaine base to a minor that
2 resulted in a prison sentence with a current conviction of
3 the same offense (subd. (a), Sec. 11353.4, H.& S.C.).

4 (12) Prior conviction of inducing, employing, or using
5 a minor to commit a drug offense involving cocaine base,
6 or unlawfully providing cocaine base to a minor with a
7 current conviction of the same offense involving a minor
8 who is 14 years of age or younger (subd. (b), Sec. 11353.4,
9 H.& S.C.).

10 (13) Inducing, employing, or using a minor who is at
11 least four years younger than the defendant to commit a
12 drug offense involving any specified controlled
13 substance, including, but not limited to, phencyclidine
14 (PCP), methamphetamine, and lysergic acid
15 diethylamide (LSD), or unlawfully providing one of
16 these controlled substances to a minor (para. (3), subd.
17 (a), Sec. 11380.1, H.& S.C.).

18 (14) Causing great bodily injury or a substantial
19 probability that death could result by the knowing
20 disposal, transport, treatment, storage, burning, or
21 incineration of any hazardous waste at a facility without
22 permits or at an unauthorized point (subd. (e), Sec.
23 25189.5, and subd. (c), Sec. 25189.7, H.& S.C.).

24 (15) *A violent felony, as defined in subdivision (c) of*
25 *Section 667.5, that is committed in the immediate*
26 *presence of, or is witnessed by, any child under the age*
27 *of 16 years (Sec. 667.84, Pen. C.).*

28 (c) The provisions listed in this subdivision imposing
29 a sentence enhancement of one, two, or five years'
30 imprisonment in the state prison may be referenced as
31 Schedule C.

32 (1) Wearing a bullet-resistant body vest in the
33 commission or attempted commission of a violent offense
34 (subd. (b), Sec. 12022.2, Pen. C.).

35 (2) Commission or attempted commission of any
36 specified sex offense while armed with a firearm or
37 deadly weapon (subd. (b), Sec. 12022.3, Pen. C.).

38 (d) The provisions listed in this subdivision imposing
39 a sentence enhancement of two years' imprisonment in
40 the state prison may be referenced as Schedule D.

1 (1) Money laundering when the value of the
2 transactions exceeds one hundred fifty thousand dollars
3 (\$150,000), but is less than one million dollars (\$1,000,000)
4 (subpara. (B), para. (1), subd. (c), Sec. 186.10, Pen. C.).

5 (2) Commission of two or more related felonies, a
6 material element of which is fraud or embezzlement,
7 which involve a pattern of related felony conduct,
8 involving the taking of more than one hundred fifty
9 thousand dollars (\$150,000) (para. (3), subd. (a), Sec.
10 186.11, Pen. C.).

11 (3) Conviction of any specified felony sex offense that
12 is committed after fleeing to this state under specified
13 circumstances (subd. (d), Sec. 289.5, Pen. C.).

14 (4) Prior conviction of any specified insurance fraud
15 offense with current conviction of willfully injuring,
16 destroying, secreting, abandoning, or disposing of any
17 property insured against loss or damage by theft,
18 embezzlement, or any casualty with the intent to defraud
19 or prejudice the insurer (subd. (b), Sec. 548, Pen. C.).

20 (5) Prior conviction of any specified insurance fraud
21 offense with current conviction of knowingly presenting
22 any false or fraudulent insurance claim or multiple claims
23 for the same loss or injury, or knowingly causing or
24 participating in a vehicular collision for the purpose of
25 presenting any false or fraudulent claim, or providing
26 false or misleading information or concealing information
27 for purpose of insurance fraud (subd. (e), Sec. 550, Pen.
28 C.).

29 (6) Causing serious bodily injury as a result of
30 knowingly causing or participating in a vehicular collision
31 or accident for the purpose of presenting any false or
32 fraudulent claim (subd. (g), Sec. 550, Pen. C.).

33 (7) Harming, obstructing, or interfering with any
34 horse or dog being used by any peace officer in the
35 discharge or attempted discharge of his or her duties and,
36 with the intent to cause great bodily injury, personally
37 causing great bodily injury to any person other than an
38 accomplice (subd. (d), Sec. 600, Pen. C.).

39 (8) Prior conviction of any specified offense with
40 current conviction of any of those offenses committed

1 against a person who is 65 years of age or older, blind, a
2 paraplegic or quadriplegic, or under 14 years of age
3 (subd. (b), Sec. 667.9, Pen. C.).

4 (9) Prior conviction for penetration of genital or anal
5 openings by foreign or unknown object with current
6 conviction of the same offense committed against a
7 person who is 65 years of age or older, blind, deaf,
8 developmentally disabled, a paraplegic or quadriplegic,
9 or under 14 years of age (subd. (a), Sec. 667.10, Pen. C.).

10 (10) Showing child pornography to minor prior to or
11 during the commission or attempted commission of
12 continuous sexual abuse of the minor (subd. (b), Sec.
13 667.15, Pen. C.).

14 (11) Primary care provider in a day care facility
15 committing any specified felony sex offense against a
16 minor entrusted to his or her care (subd. (a), Sec. 674,
17 Pen. C.).

18 (12) Commission of a felony offense while released
19 from custody on bail or own recognizance (subd. (b), Sec.
20 12022.1, Pen. C.).

21 (13) Taking, damaging, or destroying any property in
22 the commission or attempted commission of a felony with
23 the intent to cause that taking, damage, or destruction
24 when the loss exceeds one hundred fifty thousand dollars
25 (\$150,000) (para. (2), subd. (a), Sec. 12022.6, Pen. C.).

26 (14) Inducing, employing, or using a minor to commit
27 a drug offense involving heroin, cocaine, or cocaine base,
28 or unlawfully furnishing one of these controlled
29 substances to a minor, upon, or within 1,000 feet of, the
30 grounds of a school during school hours or whenever
31 minors are using the facility (para. (2), subd. (a), Sec.
32 11353.1, H.& S.C.).

33 (15) Inducing another person to commit a drug
34 offense as part of the drug transaction for which the
35 defendant is convicted when the value of the controlled
36 substance involved exceeds two million dollars
37 (\$2,000,000) (para. (2), subd. (a), Sec. 11356.5, H.& S.C.).

38 (16) Manufacturing, compounding, converting,
39 producing, deriving, processing, or preparing
40 methamphetamine or phencyclidine (PCP), or

1 attempting to commit any of those acts, or possessing
2 specified combinations of substances with the intent to
3 manufacture either methamphetamine or phencyclidine
4 (PCP), when the commission or attempted commission
5 of the crime occurs in a structure where any child under
6 16 years of age is present (subd. (a), Sec. 11379.7, H.&
7 S.C.).

8 (17) Using a minor to commit a drug offense involving
9 phencyclidine (PCP), methamphetamine, or lysergic
10 acid diethylamide (LSD), or unlawfully furnishing one of
11 these controlled substances to a minor, upon, or within
12 1,000 feet of, the grounds of a school during school hours
13 or whenever minors are using the facility (para. (2), subd.
14 (a), Sec. 11380.1, H.& S.C.).

15 (18) Prior felony conviction of any specified insurance
16 fraud offense with a current conviction of making false or
17 fraudulent statements concerning a workers'
18 compensation claim (subd. (c), Sec. 1871.4, Ins. C.).

19 (19) Prior felony conviction of making or causing to be
20 made any knowingly false or fraudulent statement of any
21 fact material to the determination of the premium, rate,
22 or cost of any policy of workers' compensation insurance
23 for the purpose of reducing the premium, rate, or cost of
24 the insurance with a current conviction of the same
25 offense (subd. (b), Sec. 11760, Ins. C.).

26 (20) Prior felony conviction of making or causing to be
27 made any knowingly false or fraudulent statement of any
28 fact material to the determination of the premium, rate,
29 or cost of any policy of workers' compensation insurance
30 issued or administered by the State Compensation
31 Insurance Fund for the purpose of reducing the
32 premium, rate, or cost of the insurance with a current
33 conviction of the same offense (subd. (b), Sec. 11880, Ins.
34 C.).

35 (21) Fraudulently appropriating food stamps,
36 electronically transferred benefits, or authorizations to
37 participate in the federal Food Stamp Program entrusted
38 to a public employee, or knowingly using, transferring,
39 selling, purchasing, or possessing, any of the same in an
40 unauthorized manner, when the offense is committed by

1 means of an electronic transfer of benefits in an amount
2 exceeding one hundred fifty thousand dollars (\$150,000),
3 but less than one million dollars (\$1,000,000) (subpara.
4 (B), para. (1), subd. (h), Sec. 10980, W.& I.C.).

5 (e) The provisions listed in this subdivision imposing
6 a sentence enhancement of two, three, or four years'
7 imprisonment in the state prison may be referenced as
8 Schedule E.

9 (1) Commission of a felony for the benefit of, at the
10 direction of, or in association with any criminal street
11 gang, with the specific intent to promote, further, or assist
12 in any criminal conduct by gang members, and on the
13 grounds of, or within 1,000 feet of, a school during school
14 hours or when minors are using the facility (para. (2),
15 subd. (b), Sec. 186.22, Pen. C.).

16 (2) Acting in concert with another person or aiding or
17 abetting another person in committing or attempting to
18 commit a felony hate crime (subd. (c), Sec. 422.75, Pen.
19 C.).

20 (3) Carrying a loaded or unloaded firearm together
21 with a detachable shotgun magazine, a detachable pistol
22 magazine, a detachable magazine, or a belt-feeding
23 device during the commission or attempted commission
24 of any felony street gang crime (subd. (b), Sec. 12021.5,
25 Pen. C.).

26 (f) The provisions listed in this subdivision imposing a
27 sentence enhancement of two, three, or five years'
28 imprisonment in the state prison may be referenced as
29 Schedule F.

30 (1) Commission of two or more related felonies, a
31 material element of which is fraud or embezzlement,
32 which involve a pattern of related felony conduct,
33 involving the taking of more than five hundred thousand
34 dollars (\$500,000) (para. (2), subd. (a), Sec. 186.11, Pen.
35 C.).

36 (g) The provisions listed in this subdivision imposing
37 a sentence enhancement of three years' imprisonment in
38 the state prison may be referenced as Schedule G.

39 (1) Money laundering when the value of transactions
40 exceeds one million dollars (\$1,000,000), but is less than

1 two million five hundred thousand dollars (\$2,500,000)
2 (subpara. (C), para. (1), subd. (c), Sec. 186.10, Pen. C.).

3 (2) Commission of a felony for the benefit of, at the
4 direction of, or in association with any criminal street
5 gang, with the specific intent to promote, further, or assist
6 in any criminal conduct by gang members, if also
7 convicted of a felony violation of witness or victim
8 intimidation involving a credible threat of violence or
9 death made to the witness or victim of a violent felony for
10 the purpose of preventing or dissuading the witness or
11 victim from attending or giving testimony at any trial for
12 a violent felony (para. (5), subd. (b), Sec. 186.22, Pen. C.).

13 (3) Willfully mingling any poison or harmful substance
14 which may cause death if ingested, or which causes the
15 infliction of great bodily injury on any person, with any
16 food, drink, medicine, or pharmaceutical product or
17 willfully placing such poison or harmful substance in any
18 spring, well, reservoir, or public water supply (subd. (a),
19 Sec. 347, Pen. C.).

20 (4) Causing great bodily injury by willfully causing or
21 permitting any elder or dependent adult to suffer, or
22 inflicting pain or mental suffering upon, or endangering
23 the health of, an elder or dependent adult when the
24 victim is under 70 years of age (subpara. (A), para. (2),
25 subd. (b), Sec. 368, Pen. C.).

26 (5) Maliciously driving or placing, in any tree, saw-log,
27 shingle-bolt, or other wood, any iron, steel, ceramic, or
28 other substance sufficiently hard to injure saws and
29 causing bodily injury to another person other than an
30 accomplice (subd. (b), Sec. 593a, Pen. C.).

31 (6) Prior prison term for violent felony with current
32 violent felony conviction (subd. (a), Sec. 667.5, Pen. C.).

33 (7) Commission of any specified felony sex offense by
34 a primary care provider in a day care facility against a
35 minor entrusted to his or her care while voluntarily acting
36 in concert with another (subd. (b), Sec. 674, Pen. C.).

37 (8) Commission or attempted commission of a felony
38 while armed with an assault weapon or a machinegun
39 (para. (2), subd. (a), Sec. 12022, Pen. C.).



1 (9) Taking, damaging, or destroying any property in
2 the commission or attempted commission of a felony with
3 the intent to cause that taking, damage, or destruction
4 when the loss exceeds one million dollars (\$1,000,000)
5 (para. (3), subd. (a), Sec. 12022.6, Pen. C.).

6 (10) Personally inflicting great bodily injury on any
7 person other than an accomplice in the commission or
8 attempted commission of a felony (subd. (a), Sec. 12022.7,
9 Pen. C.).

10 (11) Administering by injection, inhalation, ingestion,
11 or any other means, any specified controlled substance
12 against the victim's will by means of force, violence, or
13 fear of immediate and unlawful bodily injury to the
14 victim or another person for the purpose of committing
15 a felony (Sec. 12022.75, Pen. C.).

16 (12) Commission of any specified sex offense with
17 knowledge that the defendant has acquired immune
18 deficiency syndrome (AIDS) or with the knowledge that
19 he or she carries antibodies of the human
20 immunodeficiency virus at the time of the commission of
21 the offense (Sec. 12022.85, Pen. C.).

22 (13) Inducing another person to commit a drug
23 offense as part of the drug transaction for which the
24 defendant is convicted when the value of the controlled
25 substance involved exceeds five million dollars
26 (\$5,000,000) (para. (3), subd. (a), Sec. 11356.5, H.& S.C.).

27 (14) Prior conviction of any specified drug offense
28 with current conviction of any specified drug offense
29 (subds. (a), (b), and (c), Sec. 11370.2, H.& S.C.).

30 (15) Commission of any specified drug offense
31 involving a substance containing heroin, cocaine base,
32 cocaine, methamphetamine, amphetamine, or
33 phencyclidine (PCP), when the substance exceeds one
34 kilogram or 30 liters (para. (1), subd. (a), and para. (1),
35 subd. (b), Sec. 11370.4, H.& S.C.).

36 (16) Manufacturing, compounding, converting,
37 producing, deriving, processing, or preparing any
38 substance containing amphetamine, methamphetamine,
39 or phencyclidine (PCP) or its analogs or precursors, or
40 attempting to commit any of those acts, when the

1 substance exceeds three gallons or one pound (para. (1),
2 subd. (a), Sec. 11379.8, H.& S.C.).

3 (17) Four or more prior convictions of specified
4 alcohol-related vehicle offenses with current conviction
5 of driving under the influence and causing great bodily
6 injury (subd. (c), Sec. 23190, Veh. C.).

7 (18) Fraudulently appropriating food stamps,
8 electronically transferred benefits, or authorizations to
9 participate in the federal Food Stamp Program entrusted
10 to a public employee, or knowingly using, transferring,
11 selling, purchasing, or possessing, any of the same in an
12 unauthorized manner, when the offense is committed by
13 means of an electronic transfer of benefits in an amount
14 exceeding one million dollars (\$1,000,000), but less than
15 two million five hundred thousand dollars (\$2,500,000)
16 (subpara. (C), para. (1), subd. (h), Sec. 10980, W.& I.C.).

17 (h) The provisions listed in this subdivision imposing
18 a sentence enhancement of three, four, or five years'
19 imprisonment in the state prison may be referenced as
20 Schedule H.

21 (1) Commission of felony arson with prior conviction
22 of arson or unlawfully starting a fire, or causing great
23 bodily injury to a firefighter, peace officer, other
24 emergency personnel, or multiple victims, or causing the
25 burning of multiple structures, or using an accelerator or
26 ignition delay device (subd. (a), Sec. 451.1, Pen. C.).

27 (2) Commission or attempted commission of any
28 specified drug offense while personally armed with a
29 firearm (subd. (c), Sec. 12022, Pen. C.).

30 (3) Personally inflicting great bodily injury under
31 circumstances involving domestic violence in the
32 commission or attempted commission of a felony (subd.
33 (d), Sec. 12022.7, Pen. C.).

34 (4) Commission of any specified drug offense
35 involving cocaine base, heroin, or methamphetamine, or
36 a conspiracy to commit any of those offenses, upon the
37 grounds of, or within 1,000 feet of, a school during school
38 hours or when minors are using the facility (subd. (b),
39 Sec. 11353.6, H.& S.C.).



(5) Commission of any specified drug offense involving cocaine base, heroin, or methamphetamine, or a conspiracy to violate any of those offenses, involving a minor who is at least four years younger than the defendant (subd. (c), Sec. 11353.6, H.& S.C.).

(i) The provisions listed in this subdivision imposing a sentence enhancement of 3, 4, or 10 years' imprisonment in the state prison may be referenced as Schedule I.

(1) Commission or attempted commission of any felony while armed with a firearm and in the immediate possession of ammunition for the firearm designed primarily to penetrate metal or armor (subd. (a), Sec. 12022.2, Pen. C.).

(2) Commission or attempted commission of any specified sex offense while using a firearm or deadly weapon (subd. (a), Sec. 12022.3, Pen. C.).

(3) Commission or attempted commission of a felony while personally using a firearm (para. (1), subd. (a), Sec. 12022.5, Pen. C.).

(4) Commission or attempted commission of any specified drug offense while personally using a firearm (subd. (c), Sec. 12022.5, Pen. C.).

(j) The provisions listed in this subdivision imposing a sentence enhancement of four years' imprisonment in the state prison may be referenced as Schedule J.

(1) Money laundering when the value of transactions exceeds two million five hundred thousand dollars (\$2,500,000) (subpara. (D), para. (1), subd. (c), Sec. 186.10, Pen. C.).

(2) Prior conviction of willfully inflicting upon a child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition with current conviction of that offense (subd. (b), Sec. 273d, Pen. C.).

(3) Taking, damaging, or destroying any property in the commission or attempted commission of a felony with the intent to cause that taking, damage, or destruction when the loss exceeds two million five hundred thousand dollars (\$2,500,000) (para. (4), subd. (a), Sec. 12022.6, Pen. C.).

1 (4) Personally, willfully, and maliciously discharging a
2 firearm from a motor vehicle at another person other
3 than an occupant of a motor vehicle and causing a victim
4 to suffer paralysis or paraparesis of a major body part
5 (para. (1), subd. (b), Sec. 12022.9, Pen. C.).

6 (5) Personally, willfully, and maliciously discharging a
7 firearm from a motor vehicle at another occupied motor
8 vehicle and causing a victim to suffer paralysis or
9 paraparesis of a major body part (para. (2), subd. (b), Sec.
10 12022.9, Pen. C.).

11 (6) Willfully causing or permitting any child to suffer,
12 or inflicting on the child unjustifiable physical pain or
13 injury that results in death under circumstances or
14 conditions likely to produce great bodily harm or death,
15 or, having the care or custody of any child, willfully
16 causing or permitting that child to be injured or harmed
17 under circumstances likely to produce great bodily harm
18 or death, when that injury or harm results in death (Sec.
19 12022.95, Pen. C.).

20 (7) Fraudulently appropriating food stamps,
21 electronically transferred benefits, or authorizations to
22 participate in the federal Food Stamp Program entrusted
23 to a public employee, or knowingly using, transferring,
24 selling, purchasing, or possessing, any of the same in an
25 unauthorized manner, when the offense is committed by
26 means of an electronic transfer of benefits in an amount
27 exceeding two million five hundred thousand dollars
28 (\$2,500,000) (subpara. (D), para. (1), subd. (h), Sec.
29 10980, W.& I.C.).

30 (k) The provisions listed in this subdivision imposing
31 a sentence enhancement of 4, 5, or 10 years'
32 imprisonment in the state prison may be referenced as
33 Schedule K.

34 (1) Commission or attempted commission of a felony
35 while personally using a firearm with prior conviction of
36 carjacking or attempted carjacking (para. (2), subd. (a),
37 Sec. 12022.5, Pen. C.).

38 (l) The provisions listed in this subdivision imposing a
39 sentence enhancement of five years' imprisonment in the
40 state prison may be referenced as Schedule L.

1 (1) Using sex offender registration information to
2 commit a felony (subd. (q), Sec. 290, and para. (1), subd.
3 (b), Sec. 290.4, Pen. C.).

4 (2) Causing great bodily injury by willfully causing or
5 permitting any elder or dependent adult to suffer, or
6 inflicting pain or mental suffering upon, or endangering
7 the health of, an elder or dependent adult when the
8 victim is 70 years of age or older (subpara. (B), para. (2),
9 subd. (b), Sec. 368, Pen. C.).

10 (3) Causing death by willfully causing or permitting
11 any elder or dependent adult to suffer, or inflicting pain
12 or mental suffering upon, or endangering the health of,
13 an elder or dependent adult when the victim is under 70
14 years of age (subpara. (A), para. (3), subd. (b), Sec. 368,
15 Pen. C.).

16 (4) Two prior felony convictions of knowingly causing
17 or participating in a vehicular collision or accident for the
18 purpose of presenting any false or fraudulent claim with
19 current conviction of the same (subd. (f), Sec. 550, Pen.
20 C.).

21 (5) Prior conviction of a serious felony with current
22 conviction of a serious felony (para. (1), subd. (a), Sec.
23 667, Pen. C.).

24 (6) Prior conviction of any specified sex offense with
25 current conviction of lewd and lascivious acts with a child
26 under 14 years of age (subd. (a), Sec. 667.51, Pen. C.).

27 (7) Prior conviction of any specified sex offense with
28 current conviction of any of those sex offenses (subd. (a),
29 Sec. 667.6, Pen. C.).

30 (8) Kidnapping or carrying away any child under 14
31 years of age with the intent to permanently deprive the
32 parent or legal guardian custody of that child (Sec. 667.85,
33 Pen. C.).

34 (9) Personally inflicting great bodily injury on any
35 person other than an accomplice in the commission or
36 attempted commission of a felony that causes the victim
37 to become comatose due to a brain injury or to suffer
38 paralysis of a permanent nature (subd. (b), Sec. 12022.7,
39 Pen. C.).



1 (10) Personally inflicting great bodily injury on
2 another person who is 70 years of age or older other than
3 an accomplice in the commission or attempted
4 commission of a felony (subd. (c), Sec. 12022.7, Pen. C.).

5 (11) Inflicting great bodily injury on any victim in the
6 commission or attempted commission of any specified sex
7 offense (Sec. 12022.8, Pen. C.).

8 (12) Personally and intentionally inflicting injury
9 upon a pregnant woman during the commission or
10 attempted commission of a felony that results in the
11 termination of the pregnancy when the defendant knew
12 or reasonably should have known that the victim was
13 pregnant (subd. (a), Sec. 12022.9, Pen. C.).

14 (13) Using information disclosed to the licensee of a
15 community care facility by a prospective client regarding
16 his or her status as a sex offender to commit a felony
17 (subd. (c), Sec. 1522.01, H.& S.C.).

18 (14) Commission of any specified drug offense
19 involving a substance containing heroin, cocaine base,
20 cocaine, methamphetamine, amphetamine, or
21 phencyclidine (PCP), when the substance exceeds 4
22 kilograms or 100 liters (para. (2), subd. (a), and para. (2),
23 subd. (b), Sec. 11370.4, H.& S.C.).

24 (15) Manufacturing, compounding, converting,
25 producing, deriving, processing, or preparing
26 methamphetamine or phencyclidine (PCP), or
27 attempting to commit any of those acts, or possessing
28 specified combinations of substances with the intent to
29 manufacture either methamphetamine or phencyclidine
30 (PCP), when the commission of the crime causes any
31 child under 16 years of age to suffer great bodily injury
32 (subd. (b), Sec. 11379.7, H.& S.C.).

33 (16) Manufacturing, compounding, converting,
34 producing, deriving, processing, or preparing any
35 substance containing amphetamine, methamphetamine,
36 or phencyclidine (PCP) or its analogs or precursors, or
37 attempting to commit any of those acts, when the
38 substance exceeds 10 gallons or three pounds (para. (2),
39 subd. (a), Sec. 11379.8, H.& S.C.).

(17) Fleeing the scene of the crime after commission of vehicular manslaughter (subd. (c), Sec. 20001, Veh. C.).

(m) The provisions listed in this subdivision imposing a sentence enhancement of 5, 6, or 10 years' imprisonment in the state prison may be referenced as Schedule M.

(1) Discharging a firearm at an occupied motor vehicle in the commission or attempted commission of a felony which caused great bodily injury or death to another person (para. (1), subd. (b), Sec. 12022.5, Pen. C.).

(2) Commission or attempted commission of a felony while personally using an assault weapon or a machinegun (para. (2), subd. (b), Sec. 12022.5, Pen. C.).

(3) Discharging a firearm from a motor vehicle in the commission or attempted commission of a felony with the intent to inflict great bodily injury or death and causing great bodily injury or death (Sec. 12022.55, Pen. C.).

(n) The provisions listed in this subdivision imposing a sentence enhancement of seven years' imprisonment in the state prison may be referenced as Schedule N.

(1) Causing death by willfully causing or permitting any elder or dependent adult to suffer, or inflicting pain or mental suffering upon, or endangering the health of, an elder or dependent adult when the victim is 70 years of age or older (subpara. (B), para. (3), subd. (b), Sec. 368, Pen. C.).

(o) The provisions listed in this subdivision imposing a sentence enhancement of nine years' imprisonment in the state prison may be referenced as Schedule O.

(1) Kidnapping victim for purpose of committing any specified felony sex offense (subd. (a), Sec. 667.8, Pen. C.).

(p) The provisions listed in this subdivision imposing a sentence enhancement of 10 years' imprisonment in the state prison may be referenced as Schedule P.

(1) Two or more prior prison terms for any specified sex offense with current conviction of any of those sex offenses (subd. (b), Sec. 667.6, Pen. C.).

(2) Commission or attempted commission of any specified felony offense while personally using a firearm (subd. (b), Sec. 12022.53, Pen. C.).

(3) Commission of any specified drug offense involving a substance containing heroin, cocaine base, cocaine, methamphetamine, amphetamine, or phencyclidine (PCP), when the substance exceeds 10 kilograms or 200 liters (para. (3), subd. (a), and para. (3), subd. (b), Sec. 11370.4, H.& S.C.).

(4) Manufacturing, compounding, converting, producing, deriving, processing, or preparing any substance containing amphetamine, methamphetamine, or phencyclidine (PCP) or its analogs or precursors, or attempting to commit any of those acts, when the substance exceeds 25 gallons or 10 pounds (para. (3), subd. (a), Sec. 11379.8, H.& S.C.).

(q) The provisions listed in this subdivision imposing a sentence enhancement of 15 years' imprisonment in the state prison may be referenced as Schedule Q.

(1) Kidnapping victim under 14 years of age for purpose of committing any specified felony sex offense (subd. (b), Sec. 667.8, Pen. C.).

(2) Commission of any specified drug offense involving a substance containing heroin, cocaine base, cocaine, methamphetamine, amphetamine, or phencyclidine (PCP), when the substance exceeds 20 kilograms or 400 liters (para. (4), subd. (a), and para. (4), subd. (b), Sec. 11370.4, H.& S.C.).

(3) Manufacturing, compounding, converting, producing, deriving, processing, or preparing any substance containing amphetamine, methamphetamine, or phencyclidine (PCP) or its analogs or precursors, or attempting to commit any of those acts, when the substance exceeds 105 gallons or 44 pounds (para. (4), subd. (a), Sec. 11379.8, H.& S.C.).

(r) The provisions listed in this subdivision imposing a sentence enhancement of 20 years' imprisonment in the state prison may be referenced as Schedule R.

(1) Intentionally and personally discharging a firearm in the commission or attempted commission of any

1 specified felony offense (subd. (c), Sec. 12022.53, Pen.
2 C.).

3 (2) Commission of any specified drug offense
4 involving a substance containing heroin, cocaine base, or
5 cocaine, when the substance exceeds 40 kilograms (para.
6 (5), subd. (a), Sec. 11370.4, H.& S.C.).

7 (s) The provisions listed in this subdivision imposing a
8 sentence enhancement of 25 years' imprisonment in the
9 state prison may be referenced as Schedule S.

10 (1) Commission of any specified drug offense
11 involving a substance containing heroin, cocaine base, or
12 cocaine, when the substance exceeds 80 kilograms (para.
13 (6), subd. (a), Sec. 11370.4, H.& S.C.).

14 (t) The provisions listed in this subdivision imposing a
15 sentence enhancement of 25 years to life imprisonment
16 in the state prison may be referenced as Schedule T.

17 (1) Intentionally and personally discharging a firearm
18 in the commission or attempted commission of any
19 specified felony offense and proximately causing great
20 bodily injury to any person other than an accomplice
21 (subd. (d), Sec. 12022.53, Pen. C.).

22 SEC. 2. Section 667.84 is added to the Penal Code, to
23 read:

24 667.84. Any person convicted of a violent felony, as
25 defined in subdivision (c) of Section 667.5, that is
26 committed in the immediate presence of, or is witnessed
27 by, any child under the age of 16 years shall be punished
28 by an additional term of one, two, or three years.

29 SEC. 3. No reimbursement is required by this act
30 pursuant to Section 6 of Article XIII B of the California
31 Constitution because the only costs that may be incurred
32 by a local agency or school district will be incurred
33 because this act creates a new crime or infraction,
34 eliminates a crime or infraction, or changes the penalty
35 for a crime or infraction, within the meaning of Section
36 17556 of the Government Code, or changes the definition
37 of a crime within the meaning of Section 6 of Article
38 XIII B of the California Constitution.

